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May 4, 2004

Keith Takata
Director
Superfund Division
Region 9, SFD-1
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

File No. 002480-0024

Re: Former BKK Main Street Landfill, Carson, California

Dear Keith:

I would like to request your help in resurrecting a voluntary cleanup proposal that apparently has been taking second priority to more pressing matters. Slightly more than a year ago, on March 28, 2003, representatives of Watson Land Company ("Watson") and the County of Los Angeles ("the County") met with representatives of the LARWQCB, USEPA, and California DTSC to discuss our proposal to enroll the property encompassing the former BKK Main Street Landfill (the "Site") under the Regional Board's Order No. R4-2002-022 ("Order"), which establishes General Waste Discharge Requirements ("WDRs") for Post-closure Maintenance of Inactive Non-hazardous Waste Landfills Within the Los Angeles Region. During that meeting, Watson and the County reviewed the site data, including recent human health risk assessments, and based on this, they explained why they believed the Order would adequately address concerns about the site and should be a basis upon which listing the site on the NPL could be deferred. To document our responses to the stated concerns of the DTSC and USEPA representatives, Tom Kota and Jere Johnson, we sent a follow-up letter to Dennis Dickerson on April 15, 2003, which I have attached for your convenience.

Although we have not had a follow-up meeting, it has become apparent to me after periodic calls to the RWQCB and USEPA Office of Regional Counsel that the decision of how to handle this site now rests with you, Dorothy Rice of DTSC, and Dennis Dickerson of the RWQCB. I further understand that you have been attempting to arrange a discussion about our proposal for some time (before Kathleen Johnson went on TDY to Headquarters). If it would be helpful, I would like to extend an offer to help arrange such a discussion at this time.

Both Watson and the County believe that the post-closure maintenance proposal for the Site is viable and deserves serious consideration by the involved agencies. To set the stage for that proposal, let me review some salient background information. The former BKK Main Street Landfill has been inactive since 1955, and since that time, *numerous site assessments have been*

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conducted resulting in the conclusion that the LFG health risks were below regulatory thresholds and not of significant concern. Because soil vapor migration from the Site is an insignificant exposure pathway, groundwater is the only contaminated media at or from the Site for which there was any significant concern. Currently the former landfill property comprises mostly golf courses and a park, and further commercial and residential development on the land is unlikely, given the foreseeable economic conditions. For this reason, as discussed in the March 28th meeting and the April 15th letter, Watson and the County are willing to consider, as part of the proposal, an enforceable land use or deed restriction to observe a no-development commitment.

Post-closure maintenance of the Site under the proposed Order establishes a straightforward, predictable, and effective method for characterizing and remediating residual contamination, and it is specifically intended for closed landfills. In addition, because the WDR process is similar to the remedial procedures used by the EPA and it is enforceable once the Site is enrolled, it follows that enrollment would provide an adequate basis for requesting that the EPA defer its NPL listing process on the Site. Even so, Watson and the County estimate that compliance with the Order will cost several millions of dollars.

In the course of discussions, it became clear that some modifications to the General Permit might be required in order to incorporate a risk assessment update or other significant governmental concerns, in which case, we would have to submit an application for a site-specific WDR permit. If this is the case, the site-specific WDR would have to go before the full Board for approval. In either event, both Watson and the County are still prepared to move forward in managing the contamination associated with this former landfill under either the general WDR requirements for inactive landfills or a site-specific permit.

I hope that the background information and previous summary that we have provided will reemphasize the importance of getting a decision on our proposal. In any event, I renew my offer to help arrange a meeting in the near future to discuss any concerns or questions you may have relating to our proposal, as we are eager to proceed with the enrollment process of the Site as soon as possible. I appreciate your attention on this matter, and look forward to hearing from you.

Sincerely yours,

Gene A. Lucero

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of LATHAM & WATKINS LLP

Attachment

cc: Dennis Dickerson, RWQCB
Dorothy Rice, DTSC
Louis Maldonado, USEPA